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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,904	11/27/2000	Thaddeus Marshall	D6163-00001	3655

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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/722,904

Applicant(s)

MARSHALL, THADDEUS

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is responsive to amendment filed July 14, 2004. Claims 1, 9, 12, 20, 22 and 23-27 have been amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3-5, 9-14, 17-19, 22, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by De Rafael et al. U.S. Patent No. 6,529,878.

Regarding claims 1, 22, 26 and 27, De Rafael teaches receiving identification information related to an individual user; correlating the identification to stored information; commencing a

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session between the user and the resource; monitoring the time accumulated and calculating an award of credits based at least in part on increasing amounts of credits ... debiting the credit (see fig. 1 and col. 3 lines 15-27, col. 5 line 52 to col. 8 line 17).

Regarding claim 3, De Rafael teaches a prompt for terminating a session or continue; first response resulting in termination of the accumulation session (user responding "NO"), if second response is received credit earned less than the credits earned if the third response is received (user responding "yes" every time the computer asks the user to view another advertisement) (see 7 line 63 to col. 8 line 2).

Regarding claims 4, 5, 9-11, De Rafael teaches providing credit based on the length of time and the amount of credit determined by advertisers, such as viewing a lengthier or greater number of advertisements (see col. 7 line 32 to col. 8 line 2).

Regarding claims 12, 25, De Rafael teaches enrolling individual in a reward program by obtaining profile and storing the information (see col. 5 lines 52-67), requiring identification ... (see col. 6 lines 1-8); commencing an accumulation session, recording information duration of the accumulation session and forwarding the information ..., calculating credit earned, awarding the credit and permitting redemption of the credits for items of value (see 6 line 44 to col. 8 line 35).

Regarding claims 13, 14, De Rafael teaches participant providing one or more items in the form of a certificate demonstrating credit (see col. 7 lines 33-47).

Regarding claims 17-19, De Rafael teaches credit redemption ... (see col. 3 lines 16-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael as applied to claim 1 above, and further in view of Official Notice.

Regarding claims 2 and 6, De Rafael teaches individual prompted to respond in a predetermined manner during the session (see col. 7 line 63 to col. 8 line 2). De Rafael how ever does not explicitly teach within a selected period of time to avoid termination of the session. Official notice is taken that is old and well know in the art of computer to provided predetermined time for response. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide use with a predetermined waiting time to response and to terminate the session if no response is received within the predetermined time. One would be motivated to do so in order to encourage the user to respond sooner.

Regarding claims 7 and 8, De Rafael does not explicitly teach users prompted by change in appearance of the icon such as changing the color. Official notice is taken that is old and well known in the art of communication to provide indication of time left to respond before the predetermined time expires. It is well know to show color codes to indicate the beginning of the predetermined time, when it is close to the ending of the predetermined time and to show ending of the predetermined time. One would be motivated to provide such feature in order to introduce time pressure thereby introducing excitement.

Claims 15, 16, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael and further in view of Storey U.S. Patent No 6,578,012.

Regarding claims 15, 16, 20 and 21, Storey teaches threshold value for redeeming a reward, notifying the user number of additional credit required etc. (see fig. 6 and col. 3 line 42 to col. 4 line 58, col. 5 line 43 to col. 6 line 37). Storey teaches a fully integrated on-line frequency award program. It would have been obvious to one of ordinary skill in the art to modify De Rafael's interactive reward system and Storey's threshold value and notification of additional credit require. Such program provides user to participate more in order to be able to cash in for a particular item of interest.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael in view of Van Kohorn U.S. Patent No 5,697,844.

Regarding claims 23 and 24, De Rafael teaches providing content from a resource to a client over a network; providing a prompt that requires a response from an individual, receiving a response through the network, calculating award credit and awarding the credits (see 3 and col. 5 line 35 to col. 7 line 47). De Rafael teaches the longer the session the more credit the individual is awarded, however failed to teach recording the time that elapsed from the prompt to the response and a greater period of time elapsed resulting a lower award of credits, it is taught in Van Kohorn (see col. 116 lines 51-65, col. 126 lines 50-67, col. 127 lines 31-58). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to combine De Rafael's reward based on accumulated time with Van Kohorn's reward based on responding time. One would be motivated to encourage views to view more contents by awarding views that respond in a lesser period of time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta
Primary Examiner
Art Unit 3622

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